

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of)
)
Distribution of)
Cable Royalty Funds)
)
In the Matter of)
)
Distribution of)
Satellite Royalty Funds)

CONSOLIDATED DOCKET NO.
14-CRB-0010-CD/SD
(2010-2013)

**MULTIGROUP CLAIMANTS' SECOND MOTION FOR FINAL DISTRIBUTION
OF 2010-2013 SATELLITE ROYALTY FUNDS**

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Multigroup Claimants moves pursuant to 17 U.S.C. Section 801(b)(3)(A) for a final distribution of Multigroup Claimants' share of copyright royalty funds allocated to the Devotional and Program Suppliers categories collected for satellite royalty years 2010 through 2013, in an amount already calculated by the Licensing Division based on a confidential allocation percentage share for the Devotional and Program Suppliers categories that was previously provided to the Licensing Division.

The Judges previously resolved all distribution phase controversies regarding Multigroup Claimants' share of devotional category funds collected for satellite royalty years 2010 through 2013, in the Judges' *Final Distribution Determination*, 83 Fed. Reg. 38,326 (Aug. 6, 2018), pursuant to an agreed resolution among the distribution phase parties. No party appealed the Final Distribution Determination in the Devotional category within the time permitted by 17 U.S.C. Section 803(d). Multigroup Claimants' distribution phase shares of satellite royalty funds allocated to the Devotional category are as follows:

Multigroup Claimants' Distribution Phase Shares -- Devotional Category	
Satellite Royalty year	Multigroup Claimants share (percent)
2010	24.7%
2011	11.7%
2012	9.3%
2013	2.3%

The share allocated to the Devotional category has been resolved by a confidential settlement, dated January 9, 2020, between all participants in the allocation phase of this proceeding. See *Allocation Phase Parties' Notice of Allocation Phase Settlement and Motion to Cancel Hearing*, No. 14-CRB-0011-SD (2010-2013) (Jan. 9, 2020).

The Judges previously resolved all distribution phase controversies regarding Multigroup Claimants' share of program suppliers category funds collected for satellite royalty years 2010 through 2013, in the Judges' *Final Distribution Determination*, 83 Fed. Reg. 61,683 (Nov. 30, 2018). Multigroup Claimants appealed that determination to the Court of Appeals for the District of Columbia, and all appeals to that court were exhausted on February 5, 2020. Multigroup Claimants' distribution phase shares of satellite royalty funds allocated to the Program Suppliers category are as follows:

Multigroup Claimants' Distribution Phase Shares -- Program Supplier Category	
Satellite Royalty year	Multigroup Claimants share (percent)
2010	0.48%
2011	0.18%
2012	0.18%
2013	0.11%

On January 14, 2020, Multigroup Claimants filed its first *Motion for Final Distribution of 2010-2013 Satellite Royalty Funds*, seeking distribution of its share of devotional category royalties. On February 24, 2020, the Judges denied that motion, at footnote 1 of its *Order to Show Cause Why Multigroup Claimants Should Not Be Disqualified as an Agent to Receive Funds on Behalf of Claimant* (Feb. 24, 2020), indicating that Multigroup Claimants may file another motion for final distribution following resolution of the claimant representation issues presented by the Judges' order.

On March 10, 2020, Multigroup Claimants sent an email jointly to a representative of the Licensing Division and counsel to the CRB (Richard Strasser) requesting, *inter alia*, clarification whether the 2010-2013 satellite royalty computations had been made and, if so, to provide them to Multigroup Claimants. Multigroup Claimants further requested that, if any payments of such royalties had been made, to identify them. Multigroup Claimants reiterated these requests to the Licensing Division and CRB counsel on March 12, March 17, then again on April 10.

On April 14, 2020, counsel for the CRB responded, indicating that both the SDC and MPA, i.e., the only remaining parties other than Multigroup Claimants in the devotional and program suppliers categories, had received their distributions a month prior, on March 13, 2020. Multigroup Claimants was not provided the either the Licensing Division calculations, or the amounts distributed to the SDC and MPA.

By a process of elimination, the only remaining funds in either the devotional or program suppliers category royalty pools for 2010-2013 satellite royalties are those which have been allocated to Multigroup Claimants. Multigroup Claimants has fully responded to the Judges' *Order to Show Cause*, and is aware of no information that would preclude the immediate distribution to Multigroup Claimants' of the remainder of those royalty pools.

ARGUMENT

A. Multigroup Claimants' motion is based on the identical grounds as the SDC's and MPA's summarily-granted motions.

The basis of this motion is substantively identical to that set forth in the *Settling Devotional Claimants' Motion for Final Distribution of 2010-2013 Satellite Royalty Funds* and the *MPA's Motion for Final Distribution of 2010-2013 Satellite Royalty Funds*. The only substantive difference between the motions is that the SDC and MPA sought only distribution of their shares of the 2010-2013 satellite royalty funds for the devotional and program suppliers categories, while Multigroup Claimants seeks only distribution of its share of such funds.

The Judges issued their *Order Granting Settling Devotional Claimants' Motion for Final Distribution of 2010-2013 Satellite Royalty Funds*, and *Order Granting MPA's Motion for Final Distribution of 2010-2013 Satellite Royalty Funds*, on Monday, January 13, 2020. Therein, the Judges cite the identical facts as stand as the basis of this motion.

CONCLUSION

For the reasons set forth above, Multigroup Claimants' second motion for final distribution of its 2010-2013 Satellite Royalties in the Devotional and Program Suppliers categories should be granted, and the Judges should order a final royalty distribution to Multigroup Claimants in the dollar amounts determined by the Licensing Division.

Respectfully submitted,

April 15, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th of April, 2020, a copy of the foregoing was sent by electronic mail to the parties listed on the attached Service List.

_____/s/_____
Brian D. Boydston, Esq.

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via Electronic Service at jstewart@crowell.com.

MPAA-Represented Program Suppliers (MPAA), represented by Lucy H Plovnick, served via Electronic Service at lh@msk.com.

Canadian Claimants Group, represented by Victor J Cosentino, served via Electronic Service at victor.cosentino@larsongaston.com.

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com.

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via Electronic Service at rdove@cov.com

Joint Sports Claimants (JSC), represented by Ritchie T. Thomas, served via Electronic Service at ritchie.thomas@squirepb.com.

Settling Devotional Claimants (SDC), represented by Matthew MacLean, served via Electronic Service at matthew.maclean@pillsburylaw.com.

Proof of Delivery

I hereby certify that on Wednesday, April 15, 2020, I provided a true and correct copy of the Multigroup Claimants' Second Motion For Final Distribution Of 2010-2013 Satellite Royalty Funds to the following:

Joint Sports Claimants (JSC), represented by Michael E Kientzle, served via ESERVICE at michael.kientzle@apks.com

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via ESERVICE at jstewart@crowell.com

Canadian Claimants Group, represented by Victor J Cosentino, served via ESERVICE at victor.cosentino@larsongaston.com

Public Television Claimants (PTC), represented by Dustin Cho, served via ESERVICE at dcho@cov.com

MPA-Represented Program Suppliers (MPA), represented by Gregory O Olaniran, served via ESERVICE at goo@msk.com

Settling Devotional Claimants (SDC), represented by Matthew J MacLean, served via ESERVICE at matthew.maclean@pillsburylaw.com

Signed: /s/ Brian D Boydston